



Pursuant to Rule 26(a)(2) of the Federal Rules of Civil Procedure, Michael Sutton, MSME, PE provides the following report as an expert witness retained by Plaintiff.

### **I. Qualifications**

I am a professional engineer employed by the consulting engineering firm Accident Research Specialists, PLLC [ARS] in Cary, North Carolina. The primary focus of my professional and academic experience has been mechanical engineering, accident reconstruction, and failure analysis in the field of accident investigation and analysis. A copy of my Curriculum Vitae is attached, including a list of all publications that I have authored within the preceding ten years. A list of cases in which I have testified as an expert in accident reconstruction and mechanical engineering at trial or by deposition within the past four years is also attached.

### **II. Compensation**

My current rate of compensation is \$325.00 per hour.

### **III. Introduction**

At the request of Mr. Carlos Mahoney, Accident Research Specialists, PLLC (ARS) conducted an investigation and analysis into fatal shooting incident involving Cedrick D. Pritchard and Officer Aaron M. Mobley that occurred October 21, 2018 in Washington, North Carolina. The following report describes ARS' investigation and analysis into the incident.

#### **IV. Data and Other Information Considered in Forming the Opinions**

I have reviewed and considered the following materials in the course of forming my opinions:

1. Complaint and Answer
2. Report of Autopsy Examination
3. Dashcam police video from Officer Mobley's car (Pritchard Court 2)
4. Dashcam enhanced video with screenshots (Pritchard Court 1)
5. Bodycam video from Officer Mobley (Pritchard Court 3)
6. SBI file materials:
  - a. Case Synopsis
  - b. Crime scene photos (on disc)
  - c. Autopsy photos (on disc)
  - d. Interview summaries for Christian Stoddard, Linwood Lee Austin, Michael Floyd, Torshia Sanders, Melvin Gregory Ward, and Fatima Clemons
  - e. Officer Mobley interview (on disc)
  - f. SBI handwritten notes from Officer Mobley interview
  - g. SBI enhanced dashcam photos (on disc)
  - h. SBI enhanced dashcam video (on disc)
  - i. Stoddard cell phone video/photos (on disc)
7. Transcript from the SBI interview of Officer Mobley
8. Transcript from the Washington Police Department IA interview of Officer Mobley
9. Medical illustration entitled, Summary of Mr. Pritchard's Fatal Gunshot Injuries
10. Transcript from the deposition of Officer Mobley with deposition exhibits
11. ARS inspection, photographs, and laser scan survey of the incident site performed on November 10, 2020

## V. Investigation and Analysis

ARS reviewed the materials listed in section IV, and inspected and documented the incident site. Analyses were performed utilizing the videos, the photographs, and the laser scan of the site to determine the relative positions, angles, distances, and time periods of interest during the events of the incident.

## VI. Opinions

1. The following moments of interest during the shooting incident were captured from the compilation video created using both the original dash camera footage and an “enhanced” version of the video created by the State Bureau of Investigation (SBI) shown in the images below. The denoted times were taken from the timecode created by the SBI in the “enhanced” video:



*Figure 1: Mobley began to pull forward at intersection (21.9 sec.)*



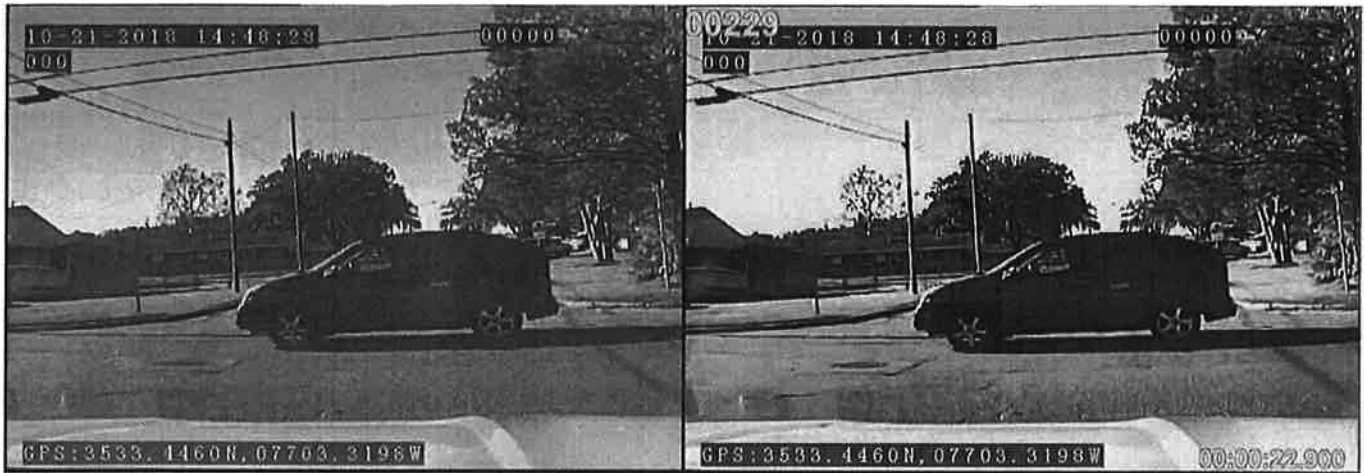


Figure 2: Pritchard passed directly in front of Mobley (22.9 sec.)

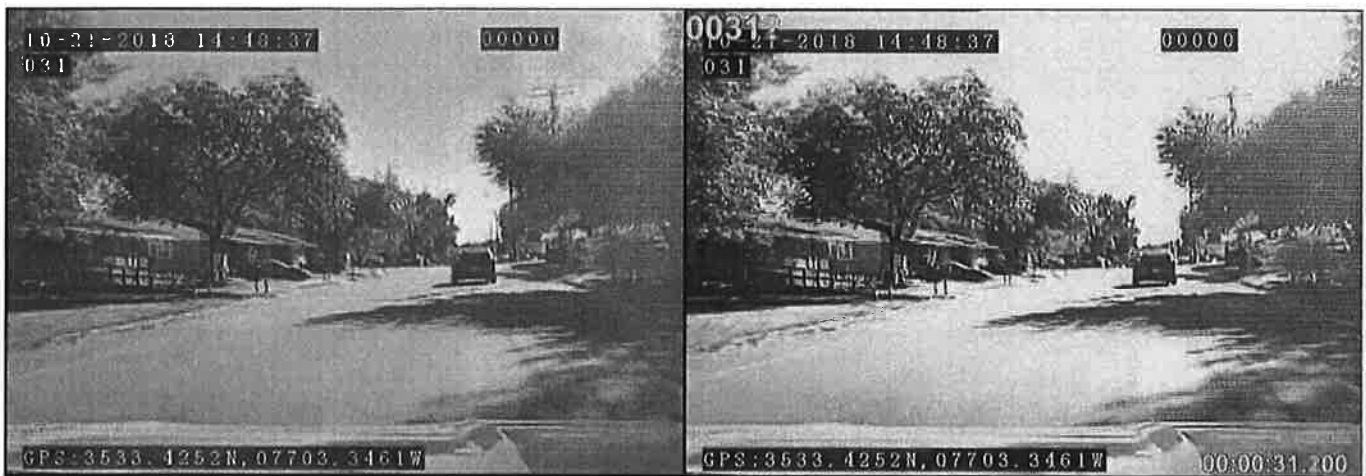


Figure 3: Pritchard initiated turn to left (31.2 sec.)



Figure 4: Mobley initiated turn to left (33.3 sec.)





Figure 5: Pritchard came to an initial stop (36.7 sec.)



Figure 6: Pritchard came to a final stop (39.5 sec.)



Figure 7: Driver's door of Aztek began to open (denoted by shadow movement) (44.9 sec.)





*Figure 8: Officer Mobley's right hand appeared on edge of frame & Mr. Pritchard's head was visible exiting the vehicle (45.5 sec.)*



*Figure 9: Mr. Pritchard was exiting the vehicle, chest was turned slightly towards Officer Mobley's position with right hand extended beyond the door of the Aztek (45.9 sec.)*





*Figure 10: Mr. Pritchard exited the vehicle completely, in a running posture and Officer Mobley's left hand was on the grip of his firearm (46.1 sec.)*



*Figure 11: Officer Mobley's firearm was drawn from the holster and was in position in front of him, pointing towards Mr. Pritchard (46.5 sec.)*



*Figure 12: The left aspect of Mr. Pritchard's back was presented to Officer Mobley, with the right arm extended rearward as typical when running; Officer Mobley had his firearm drawn and pointed in Pritchard's direction (47.1 sec.)*



*Figure: 13: Smoke visible from Officer Mobley's firearm discharge (SHOT 1) (47.2 sec.)*



*Figure 14: Smoke visible from Officer Mobley's firearm discharge (SHOT 2) (47.7 sec.)*



*Figure 15: Officer Mobley made first step towards the residence/Pritchard's body (49.3.)*

2. A summary of the pertinent events and their times relative to the first shot being fired as depicted in the dash camera video footage is presented in table form below, many of which correspond with figures contained within the opinion above:

Description	Time (min:sec)	Time from "Enhanced Video" (sec)	Time to First Shot (sec)
Mobley Began to Pull Forward at Intersection	48:27.9	21.9	-25.3
Pritchard Passed directly in front of Mobley	48:28.9	22.9	-24.3
Pritchard Initiated turn to Left	48:37.3	31.2	-16
Mobley Initiated turn to Left	48:39.3	33.3	-13.9
Pritchard came to a final stop	48:45.6	39.5	-7.7
Driver's Door of Aztek began to open (denoted by shadow movement)	48:51.0	44.9	-2.3
Mobley's right hand appeared on the edge of frame & Pritchard's head was visible exiting the vehicle	48:51.6	45.5	-1.7
Pritchard was exiting vehicle, chest was turned slightly towards Mobley's position with his right hand extended beyond the door of the Aztek	48:52.0	45.9	-1.3
Pritchard exited the vehicle completely, in a running posture, and Mobley's left hand was on the grip of his firearm	48:52.2	46.1	-1.1
Mobley's firearm was drawn from the holster and was in position in front of him, pointing towards Pritchard	48:52.6	46.5	-0.7
The left aspect of Pritchard's back was presented to Mobley, with the right arm extended rearward as typical when running; Mobley had his firearm drawn and pointed in Pritchard's direction	48:53.2	47.1	-0.1
Smoke visible from Mobley's firearm discharge (SHOT 1)	48:53.3	47.2	0
Smoke visible from Mobley's firearm discharge (SHOT 2)	48:53.8	47.7	0.5
Mobley made first step towards the house/Pritchard's body	48:55.4	49.3	2.1

3. The elapsed time from when the Pontiac Aztek driven by Mr. Pritchard came to a complete stop until Mr. Pritchard's door began to open was 5.4 seconds.
4. The elapsed time from when Mr. Pritchard's door first began to open until Officer Mobley's hand was on his firearm was 1.2 seconds.

5. The elapsed times from when Officer Mobley's hand was first on his firearm until both shots were fired were as follows:
  - a. The first shot - 1.1 seconds
  - b. The second shot - 1.6 seconds
  - c. There was 0.5 seconds of time between the first and second discharge of Officer Mobley's firearm. This is consistent with Officer Mobley's description of the shooting as a "controlled pair" rather than a "double tap".
6. Since the time at which Officer Mobley's hand was first on his firearm corresponded to the time when Mr. Pritchard was out of his vehicle but still adjacent to the driver's door, the above times are also the same as the times Mr. Pritchard had his feet on the ground prior to the shots being fired.
7. The elapsed time from when Mr. Pritchard's door began to open until Officer Mobley fired the first shot was 2.3 seconds.
8. The positions and orientations of the 2004 Pontiac Aztek, Officer Mobley's 2015 Ford Explorer, and their likely paths were determined using the available video and photographic evidence captured from the date of the shooting. These positions have been depicted in the images below, Figs. 16 and 17, using the site laser scan data, 3D models of both vehicles, and arrows representing the paths of Officer Mobley (blue) and Mr. Pritchard (green). An oval has been placed in the approximate area of Mr. Pritchard's position on the ground after the shooting.